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Attorneys for Non-Party
RESTORE ROBOTICS LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff/
Counterclaim-Defendant

vs.

INTUITIVE SURGICAL, INC.,

Defendant/
Counterclaim-Plaintiff.

Lead Case No. 3:21-CV-03496-VC
Hon. Vince Chhabria
Dept. 5

**DECLARATION OF CLIFTON
PARKER IN RESPONSE TO
DEFENDANT INTUITIVE
SURGICAL, INC.'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER
ANOTHER PARTY'S
MATERIAL SHOULD BE
SEALED PURSUANT TO CIVIL
LOCAL RULE 79-5(f)**

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1 I, Clifton Parker, declare as follows:

2 1. I am over the age of eighteen years old and am the chief executive
3 officer for non-party Restore Robotics LLC and its successor Restore Robotics
4 Repairs LLC (collectively “Restore”). Restore is a small private company in the
5 business of reselling, repairing, and remanufacturing EndoWrists for use with the
6 da Vinci Surgical System. Restore has settled its own legal dispute with Intuitive
7 and has no interest in the cases pending in this district. Unless otherwise indicated,
8 I state the following of my own personal knowledge and, if called upon to do so, I
9 could and would testify competently to the following.

10 2. Pursuant to Civil Local Rules 7-11 and 79-5(f), Restore submits this
11 declaration in response to Defendant Intuitive Surgical, Inc.’s (“Intuitive”) Administrative Motion to Consider Whether Another Party’s Material Should Be
12 Sealed Pursuant to Civil Local Rule 79-5(f). Based on my review of the materials,
13 I understand that Intuitive has not filed, quoted, or cited any potentially confidential
14 documents or testimony from Restore in the motions or briefs themselves. Instead,
15 their expert reports contain quotations and citations to Restore’s documents and
16 testimony previously produced and designated confidential under the protective
17 orders in *Restore Robotics v. Intuitive* (N.D. Fla.) and the cases against Intuitive
18 pending in this district. Restore has completed a review of every one of the
19 quotations and citations.
20

21 3. Restore asks the Court to permit redaction from the expert reports of
22 the quotations or references below to Restore’s competitively sensitive information
23 because publication would reveal its business plans, research processes, production
24 methods, testing protocols, regulatory strategies, internal finances, pricing and cost
25 information, and customer, vendor, distributor, and partner identities and
26 agreements. Consistent with industry practice, Restore has always maintained its
27 competitively sensitive information within a closely held group of individuals on a
28 need-to-know basis. Restore has invested significant manpower and monetary

investment in developing its business, including research processes, production methods, testing protocols, and regulatory approvals and customer, vendor, distributor, and partner relationships. Disclosure would give substantial assistance to potential competitors – allowing them to avoid potentially years of time and millions of dollars required to their launch their own business to compete with Restore.

4. From the spreadsheet provided by Intuitive, Restore has identified the quotations and citations in the table below requiring redaction to protect its competitively sensitive information. Because quotations or references appear repetitively, and sometimes for different propositions, I include each instance from the Intuitive spreadsheet with the appropriate reasons for redaction for that particular use of the document or testimony for completeness and accuracy.

Deposition of Kevin May 79 (November 3, 2022).	Production Methods
Deposition of Clifton Parker 130 (October 25, 2022).	Vendor Agreement
Restore-00027409-00027420 at 411 (Parker Dep. Ex. 130).	Cost Information
Deposition of Kevin May 100-101 (November 3, 2022).	Pricing Information
Schedule 10.0.	

1 2 3 4 5 6 7 8	Deposition of Clifton Parker 166-167 (October 25, 2022). Deposition of Clifton Parker 43-45, 178-179 (October 25, 2022). Per Restore-00094918-00094956 at 922 (Parker Dep. Ex. 121)	Business Plans (Partial Redaction)
9 10	Deposition of Kevin May 75-76 (November 3, 2022).	Business Plans Internal Finance
11 12 13 14	Deposition of Clifton Parker 144 (October 25, 2022). Deposition of Clifton Parker 172 (October 25, 2022).	Business Plans Production Methods Internal Finance
15 16	Deposition of Clifton Parker 174-175 (October 25, 2022).	Business Plans
17 18 19 20 21 22 23 24 25 26 27 28	Deposition of Clifton Parker 143-144 (October 25, 2022). Deposition of Kevin May 117-118 (November 3, 2022). Deposition of Clifton Parker 142 (October 25, 2022). Deposition of Kevin May 75-76 (November 3, 2022). Deposition of Kevin May 40 (November 3, 2022). May Dep. Ex. 155 (Restore- 00091199-206 at 199). (cont. below)	Business Plans Research Processes

1 2 3 4 5 6 7 8	Deposition of Kevin May 40 (November 3, 2022). Deposition of Kevin May 60- 61 (November 3, 2022).	
9 10 11 12 13 14 15	Deposition of Kevin May 111 (November 3, 2022). Deposition of Kevin May 99-101 (November 3, 2022). Deposition of Clifton Parker 166-167 (October 25, 2022).	Business Plans
16 17 18 19	Deposition of Kevin May 114-115 (November 3, 2022). Deposition of Kevin May 114 (November 3, 2022).	Business Plans (Partial Redaction)
20 21	Deposition of Clifton Parker 143-144 (October 25, 2022).	Business Plans
22 23 24	Restore-00086093, at -6100.	Production Methods Regulatory Strategy Agency Communications
25 26 27 28	Restore-00086093, at -6096-6100.	Production Methods Regulatory Strategy Agency Communications

Restore-00086093, at-6107–08. May Tr. 17:21- 18:25; 137:23-140:4.	Production Methods Regulatory Strategy Agency Communications
Restore-00086093	Regulatory Strategy Agency Communications
Restore-00089490, at -9495, -9498	Production Methods
Restore-00001248, at -1256.	Regulatory Strategy Agency Communications
Restore-00001248, at -1254	Regulatory Strategy Agency Communications
Restore-00001538.	Production Methods
Oct. 27, 2022 Keith Johnson 30(b)(6) Tr. at 46:14–47:3; Nov. 3, 2022 Kevin May Tr. At 60:14–18; Oct. 25, 2022 Clif Parker Tr. at 31:15–22;	Business Plans
Restore- 00001538 at Restore-00001541-67. Restore-00001563-64.	Production Methods
Restore-00030379 at Restore-00030379; Restore- 00001424 at Restore-00001424-31, 33-38; Restore-0001424 at Restore- 00001424-31, 39.	Production Methods
Restore-00060361; Restore- 00060362; Restore- 00060365.	Testing Protocols
May 6, 2021 Kevin May Tr. at 41:10-50:4	Testing Protocols
Restore-00089490 at Restore-00089495.	Production Methods
See Restore-00089490 at Restore-00089495, –98.	Production Methods

Restore-00001538 at Restore-00001562; Restore-00089490 at Restore-00089495	Production Methods
Restore-00001538 at Restore-00001565 Restore- 00089490 at Restore-00089495 Restore-00001538 at Restore-00001565 Restore- 00089490 at Restore-00089495 Restore-00001538 at Restore-00001565 Restore- 00089490 at Restore-00089496	Production Methods
Restore-00089490 at Restore-00089497–98.	Production Methods
Restore-00089490 at Restore-00089493.	Production Methods
Restore-00089490 at Restore-00089492	Production Methods
Restore-00089490 at Restore-00089490. <i>Id.</i> at Restore-00089491.	Production Methods
Restore-00086907 at Restore-00086909–10. Restore-00087401 at Restore-00087464.	Production Methods Regulatory Strategy Agency Communications
Restore-00086907 at Restore-00086912.	Production Methods Regulatory Strategy Agency Communications
Restore-00087861. <i>Id.</i> at Restore-00087868–69. Restore-00087861 at Restore-00087869. Restore-00087861 at Restore-00087869	Production Methods Regulatory Strategy Agency Communications
Restore-00086959. <i>Id.</i> at Restore-00086965.	Production Methods Regulatory Strategy Agency Communications

Restore-00090136 at -162–63	Production Methods
Restore-00087134.	Regulatory Strategy
Restore-00089490 at Restore-00089492–93	Agency Communications
Restore-00089490 at Restore-00089492–93	Production Methods (Partial Redaction)
Oct. 27, 2022 Keith Johnson 30(b)(6) Tr. at 46:14–47:3; Nov. 3, 2022 Kevin May Tr. at 60:14–18; Oct. 25, 2022 Clif Parker Tr. at 31:15–22;	Production Methods Business Plans
Restore- 00001538 at Restore-00001541-67; <i>id.</i> at Restore- 00001563-64.	Production Methods
Restore-00030379 at Restore-00030379; Restore- 00001424 at Restore-00001424-31, 33-38; Restore-0001424 at Restore- 00001424-31, 39.	Production Methods
Restore-00060361; Restore- 00060362; Restore-00060365.	Testing Protocols
May 6, 2021 Kevin May Tr. at 41:10-50:4	Testing Protocols
AHP000528	Regulatory Strategy Agency Communications
Restore-00089490 at Restore-00089495.	Production Methods
Restore-00089490 at Restore-00089495, –98.	Production Methods
Restore-00001538 at Restore-00001562; Restore-00089490 at Restore-00089495.	Production Methods

Restore-00001538 at Restore-00001565; Restore-00089490 at Restore-00089495. Restore-00001538 at Restore-00001565; Restore-00089490 at Restore-00089495. Restore-00001538 at Restore-00001565; Restore-00089490 at Restore-00089496.	Production Methods
Restore-00089490 at Restore-00089497–98.	Production Methods
Restore-00089490 at Restore-00089493.	Production Methods
Restore-00089490 at Restore-00089492	Production Methods
Restore-00089490 at Restore-00089490. <i>Id.</i> at Restore-00089491.	Production Methods
Restore-00086907 at Restore-00086912.	Testing Protocols Regulatory Strategy
Restore-00087861. <i>Id.</i> at Restore-00087868–69. Restore-00087861 at Restore-00087869. Restore-00087861 at Restore-00087869	Testing Protocols Regulatory Strategy Agency Communications
Restore-00086959. <i>Id.</i> at Restore-00086965.	Testing Protocols Regulatory Strategy Agency Communications
Restore-00025717	Production Methods
Restore-00026026; Restore-00026027 Restore-00025717; May 13, 2021 West Gordon Tr. at 201:20-25, 212:12-24 Restore-00025717	Production Methods

May 13, 2021 West Gordon Tr. at 110:17-112:14, 123:21-124:5; <i>see id.</i> at 124:16-125:5.	Internal Finances (Partial Redaction)
May 13, 2021 West Gordon Tr. at 117:15-119:18.	Production Methods
Deposition of Kevin May at 50:7-16.	Production Methods
Deposition of Kevin May, Exhibit 155 at Restore-0091199; Kevin May at 51:6- 53:1; Deposition of Kevin May at 89:10-25; Deposition of Kevin May at 60:9-25.	Business Plans
Deposition of Kevin May at 75:17-76:1; 96:13-97:8.	Business Plans Research Processes
W. Gordon depo. (<i>Restore</i>) tr., 208:2-12; 209:8-20; 210:16-25; 223:21-224:11. W. Gordon depo. (<i>Restore</i>) tr., 54:18-55:11.	Production Methods
Parker (Oct. 25, 2022) depo. tr., 160:14-161:3.	Production Methods
Restore-0089493- 95. Restore-0089495- 96. Restore-0089496. Restore- 0089496-97.	Testing Protocols Regulatory Strategy
May (11/3/2022) Dep Tr. 50:8-16 Parker (10/25/2022) Dep. Tr. 156:14-18) May (11/3/2022) Dep. Tr. 118:1-5	Business Plans Research Processes

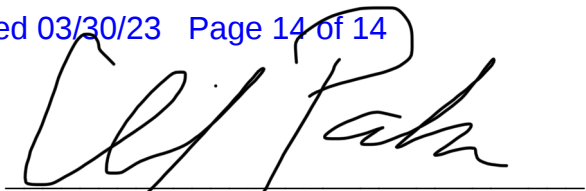
Parker (10/25/2022) Dep. Tr. 156:14-18	
May (11/3/2022) Dep. Tr. 113:19-23.	Business Plans
May (11/3/2022) Dep. Tr. 114:12-22	Production Methods
AHP000527	Production Methods Testing Protocols Regulatory Strategies Agency Communications
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Restore-00086093, at -6100. Ibid. at -6096-6100.	Production Methods Testing Protocols Regulatory Strategies Agency Communications
Restore-00086093, at -6107-08. May Tr. 17:21-18:25; 137:23-140:4. Restore-00086093 .	Production Methods Regulatory Strategies Agency Communications
Restore-00001248, at -1256; AHP000527, at -0534.	Regulatory Strategies Agency Communications
AHP000527, at -0528;	Regulatory Strategies Agency Communications
Restore-00089490, at -9495, -9498;	Production Methods
May Tr. 80:8-14; 102:4-7. May Tr. 137:23-140:4.	Business Plans Regulatory Strategies
Restore-00001248, at -1256. Restore-00001248, at -1254.	Regulatory Strategies Agency Communications
Restore-00001248, at -1254	Regulatory Strategies Agency Communications
Restore-00001248, at -1249;	Regulatory Strategies Agency Communications

1	Restore-00112674, at -683	Regulatory Strategies
2	Ferreira Dep. (Nov. 10, 2022) Tr. at 193:16-	Agency Communications
3	195:13.	
4		
5	Deposition of Kevin May at 235 (May 8, 2021)	Partner Identification
6	(Restore Robotics and Robotics Repair LLC v.	
7	Intuitive Surgical, Inc., No. 5:19-cv-55 (N.D. Fla.)	
8	Deposition of Kevin May at 250:11-23 (May 8,	Business Plans
9	2021) (Restore Robotics and Robotics Repair LLC	Partner Identification
10	v. Intuitive Surgical, Inc., No. 5:19-cv-55 (N.D.	
11	Fla.)	
12		
13	Deposition of Kevin May at 128:11-129:11 (May	Testing Protocols
14	6, 2021) (Restore Robotics and Robotics Repair	
15	LLC v. Intuitive Surgical, Inc., No. 5:19-cv-55	
16	(N.D. Fla.)	
17	Deposition of Kevin May at 50:8-16 (November 3,	Business Plans
18	2022)	Research Processes
19		

5. Restore has not disclosed the documents and information above to any third party because it would allow competitors to make use of Restore's extensive efforts to resell, repair, and remanufacture EndoWrists. Disclosure would provide competitors with a significant head start in their own efforts. Moreover, disclosure of some information would reveal internal finances and ownership structure of a private company that have no bearing on the litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Clifton Parker

Executed: March 30, 2023

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